

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS HENRIQUEZ-DISLA and : CIVIL ACTION
MAGALAY PACHECO :

v. :

ALLSTATE PROPERTY & : NO. 13-284
CASUALTY INSURANCE :
COMPANY :

ORDER

AND NOW, this 16th day of March, 2015, upon consideration of my prior Memorandum and Order requesting further briefing on the burdens of proof applicable to Defendant's affirmative defense and counterclaim for Insurance Fraud (Doc. 85), the briefing submitted by counsel (Docs. 84 and 85 at 2-6), and for the reasons stated in the accompanying Memorandum, IT IS HEREBY ORDERED that (1) Defendant's affirmative defense that Plaintiffs made material misrepresentations barring recovery under the insurance policy is governed by the preponderance of the evidence standard, and (2) Defendant's counterclaim for insurance fraud is governed by the clear and convincing evidence standard. The court will instruct the jury accordingly.

BY THE COURT:

/s/ ELIZABETH T. HEY

ELIZABETH T. HEY, U.S.M.J.